

Docket No. HNS-00003 TYCN 0003.14

PATENT

REMARKS

Claims 1, 2, and 4-11 are in the application and are presented for reconsideration. Claim 3 has been cancelled. Claims 1 and 2 have been amended by incorporating the subject matter of claim 3. Support for the amendments to claims 1 and 2 is also found on page 19, lines 3-11 of the specification as filed. No new matter has been introduced.

CLAIMS REJECTION UNDER 35 U.S.C. 103 (a)
OVER U.S. PUBLICATION NO. 2003/0229334 IN VIEW OF

U.S. PATENT NO. 3,915,171

Original claims 1, 5-8, and 11 have been rejected, under 35 U.S.C. 103 (a) as being unpatentable over US Publication No. 2003/0229334 (herein Suzuki) in view of U.S. Patent No. 3,915,171 (herein Shermeta).

Claim 1 has been amended to include a limitation found on page 19, lines 3-11 of the specification as filed and which is also found in claim 3 of the application.

Therefore, Applicants respectfully traverse the rejection of amended claims 1, 5-8, and 11, in view of the amendment to claim 1. Claims 5-8, and 11, are dependent from claim 1.

The Examiner has stated that claims 1, 5-8, and 11 are unpatentable over Suzuki in view of Shermeta. However, claim 1 has been hereby amended to require that the infection-preventing sheath further includes a hook member disposed near the leading end portion of its inner wall for hooking said housing sheath.

Neither Suzuki nor Shermeta discloses the feature of the infection-preventing sheath including a hook member disposed near the leading end portion of its inner wall for hooking said housing sheath.

Accordingly, Applicants contend that amended claim 1 is not unpatentable, under 35 U.S.C. 103 (a), over Suzuki in view of Shermeta. Therefore, Applicant respectfully request the Examiner to withdraw the rejection of claim 1, under 35 U.S.C. 103 (a), over Suzuki in view of Shermeta. Claims 5-8, and 11, are dependent from amended claim 1, and are likewise patentable since all the limitations of claim 1 are included in the dependent claims 5-8, and 11. It is also

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respectfully requested that the rejection of claims 5-8, and 11, be withdrawn.

CLAIMS REJECTION UNDER 35 U.S.C. 103 (a)
OVER U.S. PUBLICATION NO. 2003/0229334
IN VIEW OF U.S. 3,915,171 AND U.S. 4,485,805

Original claims 2 and 4 have been rejected, under 35 U.S.C. 103 (a), as being unpatentable over U.S. Publication No. 2003/0229334 (herein Suzuki) in view of U.S. Patent No. 3,915,171 (herein Shermeta) and further in view of U.S. Patent No. 4,485,805 (herein Foster).

Claim 2 has been amended to include a limitation found on page 19, lines 3-11, of the specification as filed, and which is also found in claim 3 of the application.

Therefore, Applicants regard this rejection of claims 2 and 4, as moot in view of the amendment to claim 2. Claim 4 is dependent from claim 2.

CLAIMS REJECTION UNDER 35 U.S.C. 103 (a)
OVER U.S. PUBLICATION NO. 2003/0229334 IN VIEW
OF U.S. 3,915,171; U.S. 4,485,805; AND U.S. 5,582,165

Claim 3 has been rejected, under 35 U.S.C. 103 (a), as being unpatentable over U.S. Publication No. 2003/0229334 (herein Suzuki), in view of U.S. Patent No. 3,915,171 (herein Shermeta); U.S. Patent No. 4,485,805 (herein Foster) and further in view of U.S. Patent No. 5,582,165 (herein Bryan).

Claim 3 has been cancelled. However, claim 2, as presently amended is identical to the cancelled claim 3. Accordingly, Applicants will respond to this rejection, as if it were a rejection of the presently amended claim 2. Applicants respectfully traverse this rejection of presently amended claim 2 for the following reasons.

The Examiner has stated that Suzuki in view of Shermeta and Foster disclose the matter of amended claim 2 except for the requirement that the infection-preventing sheath includes a hook member disposed near the leading end portion of its inner wall for hooking said housing sheath.

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To overcome this deficiency, the Examiner has cited Bryan. According to the Examiner, Bryan teaches a connector (25), which is considered by the Examiner as apparently equivalent to Applicants' hook member. Moreover, the Examiner has stated that the connector/hook member is disposed near the leading end portion of the inner wall of the tube/sheath (28).

The Examiner concludes that it would have been obvious to modify the device of Suzuki in view of Shermeta and Foster with a hook member, as taught by Bryan, for the benefit of keeping the housing sheath maintained inside the tube while the expandable/foldable retainer moves out easily.

Applicants do not agree with the Examiner's statement that the connector (25) of Bryan is in any manner the equivalent structure to Applicants' hook member (6). In Applicants' original claim 3, the hook member is described as a hook member (6) disposed near the leading end portion of the inner wall of the infection-preventing sheath, for hooking the housing sheath (60). Therefore, the hook member of Applicants' claims needs the function to hook the housing sheath.

By contrast, Applicants contend there is no disclosure or suggestion in Bryan that connector (25) is suitable for hooking anything. Rather, the connector (25) of Figures 13 and 14 of Bryan, and described at column 7, lines 16-34, has structure or function suitable for connecting to an item, but not for hooking to an item. According to the enclosed copies of The American Heritage Dictionary, Second College Edition, "to connect" is defined as to join or fasten together, whereas, "to hook" is defined as to catch or connect with or as if with a hook.

From the same dictionary definition, "a hook" is defined as a curved or sharply bent device, usually of metal, used to catch, drag, suspend or fasten something. Bryan does not disclose a hook member that would have these features. Bryan discloses a connector (25) which does not have any structure or function for hooking anything. Accordingly, the connector (25) of Bryan is not an equivalent to a hook member, as stated by the Examiner.

Therefore, if one of ordinary skill in the art were to combine the teaching of Bryan with the teachings of Suzuki, Shermeta and Foster, one would not have an infection-preventing sheath gastrostomy catheter kit wherein the infection-preventing sheath includes a hook member (6)

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intended for the function of hooking the housing sheath.

As stated on page 19, lines 3-11, of the present application, the purpose and function of the hook member (6) of Applicants' infection preventing sheath, is different from the purpose and function of the connector (25) of Bryan. The present application states that the Applicants' hook member is used as follows:

"When the intragastric retainer 23 of the PEG catheter 20 comes out of the leading end portion of the tubular body 2 of the infection-preventing sheath 1, the hook member 6 hooks only the housing sheath 60, so that it can pull out only the intragastric retainer 23 while leaving the housing sheath 60 in the infection-preventing sheath 1."

There are significant differences between Applicants' claimed invention and the disclosure of Bryan. For example, numeral (25) of Bryan is a connector, not a hook member. The connector (25) of Bryan does not have any structures or functions for hooking anything. There is no disclosure in Bryan that a housing sheath is hooked by a connector. Furthermore, in Applicants' claims, the infection-preventing sheath is to be used for a gastrostomy catheter. Bryan's sheath is not to be used for a gastrostomy tube; Bryan's sheath is intended for use in an endotracheal tube.

Applicants contend, in view of the above, that there is no disclosure that would motivate one of ordinary skill to combine the teachings of Bryan with the teachings of Suzuki in view of Shermeta and Foster.

Accordingly, Applicants contend that amended claim 2, which is equivalent to cancelled claim 3, is not unpatentable, under 35 U.S.C. 103 (a), over Suzuki in view of Shermeta, Foster, and further in view of Bryan. Therefore, Applicants respectfully request the Examiner to withdraw the rejection, under 35 U.S.C. 103 (a), of amended claim 2, which is equivalent to cancelled claim 3.

Claim 4 is dependent from claim 2, as amended, and is regarded as patentable by Applicants since all of the limitations of claim 2, as amended, are included in claim 4.

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CLAIM REJECTIONS UNDER 35 U.S.C. 103 (a)
OVER U.S. PUBLICATION NO. 2003/0229334 IN VIEW OF
U.S. PATENT NO. 3,915,171 AND EPO420486

Claims 9 and 10 have been rejected under 35 U.S.C. 103 (a), as being unpatentable over U.S. Patent Publication No. 2003/0229334 (herein Suzuki) in view of U.S. Patent No. 3,915,171 (herein Shermeta) and further in view of EPO420486 (herein Aase). Applicants respectfully traverse this rejection for the following reasons.

Claims 9 and 10 are dependent from claim 1. Original claim 1 has been hereby amended, and as amended, is similar to present amended claim 2.

Amended claim 1 is not unpatentable over the cited prior art of Suzuki and Shermeta. Claims 9 and 10 are dependent from amended claim 1, and include all the limitations of amended claim 1, and are likewise patentable.

Applicants respectfully request the Examiner to withdraw the rejection of amended claims 9 and 10, under 35 U.S.C. 103, over Suzuki in view of Shermeta and Aase.

CONCLUSION

Applicants contend that the application is in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the rejections of the claims. Applicants submit that claims 1, 2, and 4-11, are patentable, and respectfully request the Examiner to pass the application to issue.

Respectfully submitted,



Lawrence A. Chaletsky
Tyco Healthcare d/b/a Covidien
15 Hampshire Street
Mansfield, MA 02048
Registration No. 24,558
Phone: 508-261-8458
Fax: 508-261-6225

Encl. (3 pages from the American Heritage Dictionary)

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Serial No. 10/597699

Second College Edition

**The
American Heritage
Dictionary**

311

conjugated protein conquer

jugation. 2. *Gram.* To give the various inflected forms of a word, esp. a verb. —*adj.* (-gāt-, -gāt-). 1. Joined together, esp. in a pair or pairs; coupled. 2. *Math. & Physics.* Inversely or oppositely related with respect to one of a group of otherwise identical properties, esp. designating either or both of a pair of complex numbers differing only in the sign of the imaginary term. 3. *Gram.* Of or pertaining to words having the same derivation and usually a related meaning. —*n.* (-gāt-, -gāt-). 1. *Gram.* One of two or more conjugate words. 2. *Math. & Physics.* Either of a pair of conjugate quantities. (< ME *conjugat*, joined < Lat. *conjugatus*, p.p. of *conjugare*, to join together: *con-*, together + *jugare*, to join < *jugum*, yoke.) —*conjugate* *adv.* —*conjugative* *adj.* —*conjugator* *n.*

conjugated protein *n.* A compound of a protein with a nonprotein.

conjugation (kōn-jū-gā-shən) *n.* 1. a. The act of conjugating. b. The state of being conjugated. 2. *Gram.* a. The inflection of a particular verb. b. A presentation of the complete set of inflected forms of a verb. c. A class of verbs having similar inflected forms. 3. a. A process of sexual reproduction in which ciliate protozoans of the same species temporarily couple and exchange genetic material. b. Chromosome pairing in the first meiotic division. c. The fusion of gamete nuclei; karyogamy. d. The union of sex cells; syngamy. —*conjugation* *adj.* —*conjugatively* *adv.*

conjugation tube *n.* A slender protoplasmic tube in some algae through which gametes may move to sexually unite with other gametes.

conjunct (kōn-jŭngkt', kōn-jŭngkt') *adj.* 1. Joined together; united. 2. Designating adjacent successive tones of the musical scale. (ME < Lat. *conjunctus*, p.p. of *conjungere*, to join together. —see *CONJOIN*.) —*conjunctly* *adv.*

conjunction (kōn-jŭngk-shən) *n.* 1. a. The act of joining. b. The state of being joined. 2. A simultaneous occurrence in space or time; concurrence. 3. *Gram.* In some languages, one of the parts of speech comprising words such as, in English, *and*, *but*, *because*, and *at*, that connect other words, phrases, clauses, or sentences. 4. *Astron.* The position of two celestial bodies on the celestial sphere when they have the same celestial longitude. —*conjunction* *adj.* —*conjunctionally* *adv.*

conjunctiva (kōn-jŭngk-tī-və) *n.* pl. -vas or -vae (-vē) The mucous membrane that lines the inner surface of the eyelid and the exposed surface of the eyeball. (MB < Med. Lat. (*membrana*) *conjunctiva*, connective (membrane) < LLat. *conjunctivus*, connective. —see *CONJUNCTIVE*.) —*conjunctival* (-vəl) *adj.*

conjunctive (kōn-jŭngk-tī-v) *adj.* 1. Joining; connective. 2. Joined together; combined. 3. *Gram.* a. Of or used as a conjunction. b. Serving to connect elements of meaning and construction in a sentence, as *and* and *moreover*. —*n.* *Gram.* A connective word, esp. a conjunction. [LLat. *conjunctivus* < Lat. *conjunctus*, p.p. of *conjungere*, to join together. —see *CONJOIN*.] —*conjunctively* *adv.*

conjunctivitis (kōn-jŭngk-tī-vī-tis) *n.* *Pathol.* Inflammation of the conjunctiva.

conjuncture (kōn-jŭngk-shŭr) *n.* 1. A combination of circumstances. 2. A critical set of circumstances; crisis.

conjuration (kōn-jŭr-ā-shən) *n.* 1. a. The act of conjuring. b. A magic spell or incantation. 2. Magic; wizardry. 3. A solemn appeal or invocation.

conjure (kŭn-jŭr, kŭn-jŭr') *v.* -jured, -juring, -jures. —*tr.* 1. To call upon or entreat solemnly, esp. by an oath. 2. a. To summon (a devil or spirit) by oath, incantation, or magic spell. b. To cause or effect by or as if by magic. c. To call to mind; evoke; a fragrance that conjures up images of the Old South. —*intr.* 1. To practice magic, esp. wizardry. 2. To summon a devil by oath, incantation, or magic spell. 3. *Obs.* To conspire. [ME *conjurere* < OFr. *conjur* < Lat. *conjurare*, to swear together: *con-*, together + *jurare*, to swear.]

conjuror *also* *con-jur-er* (kŭn-jŭr-er, kŭn-) *n.* One who practices magic or wizardry.

conk (kōngk) *v.* 1. The head. 2. The nose. 3. A blow, esp. on the head. —*tr.* conked, conking, conks. —*tr.* To hit, esp. on the head. —*intr.* 1. To fall suddenly. The engine conked out. 2. To fall asleep instantly: conked out early. 3. To faint; pass out. [Orig. unknown.]

conk (kōngk) *n.* A hard, shelllike fruiting body of a fungus, esp. of the genera *Polyporus* and *Peziza*, found growing on tree trunks. [Part. alteration of *CONCH*.]

conk (kōngk) *n.* A hair style in which the hair is straightened, usually by a chemical process. —*tr.* conked, conking, conks. To straighten (kinky hair) usually by a chemical method. [Part. alteration of *conpomina*, a substance for straightening hair.]

con man *n.* *Slang.* A confidence man.

con (kōn) *v.* & *n.* Variant of *conn*.
connate (kŭn-āt', kŭn-āt') *adj.* 1. Part of or existing in someone or something from birth; innate. 2. Coexisting since or associated in birth or origin; cognate; related. 3. *Biol.* Congenitally or firmly united, as like parts or organs. (LLat. *connatus*, p.p. of *connascere*, to be born with: Lat. *com-*, with + Lat. *natus*, to be born.) —*connately* *adv.* —*connation* *n.*

connat-ural (kŭn-ātch-ŭ-əl, kŭ-) *adj.* 1. Innate; inborn. 2. Related or similar in nature; cognate. (Med. Lat. *connaturalis*: Lat. *com-*, together + Lat. *naturalis*, by birth. —see *NATURAL*.) —*connaturality* (-ŭ-ŕ-ē-tē) *n.* —*connaturally* *adv.* —*connaturalness* *n.*

connect (kŭ-nĕkt') *v.* -nected, -necing, -necies. —*tr.* 1. To join or fasten together; link; unite. 2. To associate or consider as related: no reason to connect the two events. 3. To join to a communications circuit. —*intr.* 1. To become joined or united: two streams connecting to form a river. 2. *Informal.* In sports such as baseball, to hit or make contact with the ball: The batter connected for a home run. [ME *connecten* < Lat. *connectere*: *com-*, together + *nectere*, to bind.] —*connectively* (-nĕk-tī-ŭ-ly) *adv.* —*connectible* (-ŭ-ŕ-ē-tē) *adj.* —*connector* *n.* 1. A rod linking rotating parts of a machine in reciprocating motion connecting the crankshaft of an automobile to a piston. 2. A device that connects two circuits.

connection (kŭ-nĕk-shən) *n.* 1. a. The act of connecting. b. The state of being connected. 2. Something that connects; link; a weak connection in the circuit. 3. An association or relationship: no connection between the two crimes. 4. The logical ordering of words or ideas; coherence. 5. The relation or association of a word or idea to the surrounding text; context: In this connection let me say this. 6. A person with whom one is associated, as by kinship, interests in common, or marriage: used his connections to land a job. 7. a. The meeting of various means of transportation for the transfer of passengers. b. A line of communication between two points in a telephone or similar wired system. 8. *Slang.* a. A narcotics dealer. b. A narcotics purchase. —*connection* *adj.*

connective (kŭ-nĕk-tī-v) *adj.* Serving or tending to connect. —*n.* 1. Something that connects. 2. *Gram.* A word, such as a conjunction, that connects words, phrases, clauses, and sentences. 3. *Biol.* The tissue of a stamen that forms the division between the two lobes of an anther. —*connectively* *adv.* —*connectively* (-ŭ-ŕ-ē-tē) *n.*

connective tissue *n.* Tissue arising chiefly from the embryonic mesoderm, including mucous, fibrous, reticular, adipose, cartilage, and bone tissue, characterized by a highly vascular matrix structure and forming the supporting and connecting structures of the body.

connect time *n.* *Computer Sci.* The elapsed time during which a user of a remote terminal is connected with a time-sharing system.

connexion (kŭ-nĕk-shən) *n.* Chiefly Brit. Variant of *connection*.

conning tower *n.* 1. The armored pilothouse of a warship. 2. A raised, enclosed observation post in a submarine, often used as a means of entrance and exit. (< *CON*.)

conspiration (kŭ-nspī-ā-shən) *n.* *Informal.* A fit of anger or other violent emotion; tantrum. [Orig. unknown.]

conspire *also* *con-spi-er-ous* (kŭ-nspī-er) *v.* 1. The act of conspiring. 2. *Law.* Knowledge of and intent consent to the commission of an illegal act by another.

conspire (kŭ-nspī-er) *tr.* -nspired, -nspiring, -nspires. 1. To foment ignorance of or fail to take measures against a wrong, thus implying tacit encouragement or consent. 2. To cooperate secretly. 3. To conspire; plot. [Lat. *conspire*.] —*conspirer* *n.* —*conspiracy* *n.*

conspire (kŭ-nspī-er) *v.* Variant of *conspire*.
conspire (kŭ-nspī-er) *adj.* *Biol.* Converging and touching. Used esp. of stamens or an insect's wings. (Lat. *conspire*, *conspire*, p.p. of *conspire*, to close the eyes.)

conspire (kŭ-nspī-er) *n.* A person with informed and astute discrimination, esp. concerning the arts or matters of taste. (Obs. Fr. < OFr. *conspireur* < *conspire*, to know < Lat. *conspicere*, to learn. —see *COGNITION*.) —*conspire* *adj.*

conspire (kŭ-nspī-er) *n.* 1. The act or process of conspiring. 2. a. The configuration of suggestive or associative implications contributing the general sense of an abstract expression beyond its literal, explicit sense. b. A secondary meaning suggested by a word in addition to its literal meaning. 3. *Logic.* The total of the attributes constituting the meaning of a term; intension. —*conspire* *adj.* —*conspire* *adv.*

conspire (kŭ-nspī-er) *tr.* -notred, -noting, -notes. 1. To suggest or imply in addition to literal meaning: The word "Orion" often connotes mystery. 2. To involve as a condition or consequence: Lying often connotes guilt. —See *Usage note* at *denote*. (Med. Lat. *conspire*, to mark along with: Lat. *com-*, with + Lat. *notare*, to mark < *nota*, mark.)

conspire (kŭ-nspī-er) *adj.* Of marriage or the married state; conjugal. (Lat. *conspire* < *conspire*, marriage: *com-*, together + *nubere*, to marry.) —*conspire* *adv.* —*conspire* *adj.*

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p pop / r roar; s saucer / sh ship; dish / t tight / th thin, path / th this, bath / a out / or urge / v valve / w with / y yes / z zebra, size / zh vision / s about, item, edible, gallop, circus / or Fr. feu, Ger. schen / d Fr. nu, Ger. über / KH Ger. ich, Scot. loch / N Fr. bon.

